

DRAFT MEETING SUMMARY (v.0)

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HANFORD ADVISORY BOARD PUBLIC INVOLVEMENT COMMITTEE

*September 3, 2003
Tukwila, Washington*

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This is only a summary of issues and actions in this meeting. It may not represent the fullness of ideas discussed or opinions given, and should not be used as a substitute for actual public involvement or public comment on any particular topic unless specifically identified as such.

Welcome and Introductions

Amber opened the meeting and briefly reviewed the agenda. The February meeting summary was adopted. Leadership selection was decided by consensus with Amber remaining as the chair of the committee and Susan Hughes selected as vice-chair.

Department of Energy Official Use Only Policy

Rick Stutheit, Department of Energy-Richland Office (DOE-RL), and Randy Small, DOE-RL, discussed the Department of Energy's (DOE) Official Use Only (OUO) Policy. This policy was instituted after September 11, 2001. It was determined that identifying and protecting sensitive unclassified information is important. Since this time, DOE has provided more definitive explanations of what types of information would be OUO. The requirements for identifying OUO material are continuing to evolve. A training program is currently being developed which will help DOE staff properly determine a piece of information's OUO status.

Of primary concern to the Hanford Advisory Board (Board) would be who can access OUO information. These would be the people who primarily have a need for the information such as DOE employees, contractors, or sponsored entities. Information that the Board needs to do its business could be provided as long as it meets certain requirements. No restrictions of access to information are foreseen.

There are several requirements for identifying information as OUO. It must be unclassified information that has the potential to damage governmental, commercial, or privacy interests if released to persons who don't need it to do their jobs, it must fall under exemptions 2-9 of the Freedom of Information Act (FOIA), or there must be written guidance. Any employee with cognizance over the information contained in documents may make an OUO determination. Training and guidance will be provided to these employees to aid in making these determinations.

In making these determinations, the employee must first consider if the information is sensitive. If it is, the employee must consider if it could harm governmental, commercial, or privacy interests. If the answer is no then the information does not fall under OUO. If the answer is yes, then the employee must check to see if guidance has been issued that identifies the information as OUO. If guidance has been issued then the document contains OUO information. If no guidance exists, the employee must consider if the information falls under FOIA exemptions 2-9. If a FOIA request is filed, the information is not automatically denied to the requester and must undergo a formal FOIA review.

Committee Discussion

- Leon Swenson asked if items that were removed from the website after September 11 have been replaced. Rick stated that close to 50% of the information has been returned to the website. Leon also asked what are the requirements when Board members are in possession of OUO information. Randy added that they ask people to take care of the information, however, they do not ask people to sign it out and so forth.
- A committee member asked if a Board member in possession of OUO information may disseminate it to other members of their individual organizations. Marla Marvin, DOE-RL, stated that issue has not been decided. Randy added that the goal is not to keep information from the public however, when information is on the worldwide web, there is no control over who may see it. He noted that only those pages that contain OUO information will be marked as such. The OUO does not have to be a blanket for the entire document.
- Several committee members asked how OUO information would be handled during Board meetings, which are open to the public. Randy stated that Board members would be provided with hard copies but the public would only see the information in the form of an overhead or presentation.
- Susan Leckband asked if it would be possible for a contractor to hide information such as a self-assessment that reflects poorly on the organization. Randy stated that there are provisions to prevent this from happening.
- A committee member asked if information requested under FOIA could be withheld. Randy responded that there is guidance about this. It is rare that OUO information would be withheld under a FOIA request. No matter how or why the material is being restricted a citizen can file for FOIA review.

- Doug Huston noted that the policy seems very broad and it appears that a tremendous amount of information falls within the OOU guidelines. He is concerned about the timeliness in which information is received. He asked if someone will have to go through page by page to review a document before it is released to the public. Rick stated that there has always been a review process so the timeline should not differ greatly. Every effort will be made to ensure the reviews are completed in a timely manner. Doug added that he is unsure if the State of Oregon receives documents, if the state can keep those from the public. Rick stated that DOE is currently working with both Washington and Oregon to address those state's public disclosure laws.
- Jim Trombold commented it does not sound like the Board will be too affected by this policy. He asked how the effect on the public will differ from what it was in the past. Randy stated that the policy for providing to John Doe, who may be interested in nuclear waste, has changed. The way the information is requested will remain the same however; the information may now be OOU so there would need to be a determination of if that material should be released or not. It is doubtful that an OOU document would be withheld in its entirety.
- The committee will continue to ask questions and to monitor the issue in the coming months.

Regulator Perspectives

- Dennis Faulk, Environmental Protection Agency (EPA), stated the OOU policy has not yet affected the work being done by the EPA. Dennis stated that when the next item, such as an Environmental Impact Statement (EIS), is released for public comment the committee should review it with this issue in mind to see if it appears that information is missing.
- Joy Turner, Washington State Department of Ecology (Ecology), commented Ecology would have to see if this policy affects business. At this point, they have not seen any impacts but any will be addressed as they come up.
- Max Power, Ecology, asked the committee to note that before September 11, the DOE-RL staff has bent over backwards to make sure documents reach the public and that the FOIA review was done carefully. The prevailing attitude has been to release whatever information possible.

Tank Waste Supplemental Technologies

Doug Huston, chair of the Tank Waste committee, briefly reviewed the status of tank waste supplemental technologies. The Department of Energy-Office of River Protection (DOE-ORP) has been studying three supplemental technologies, grout, bulk vitrification, and steam reforming. Each of these technologies will be moved through a series of tests to determine how they perform compared to vitrification. These tests are coming to an end and on October 1 a decision will be made to downselect to zero or more of these technologies. Whichever technology is chosen, will receive additional research funding and time. The October 1 decision date does not allow the Board an opportunity to

discuss or comment on the decision criteria or results. Additionally, the committee has noted that there is a significant chance that whichever technology is chosen will treat the majority of the low activity waste that will be disposed of on site. Therefore, since the communities are the ones who will live with the results of this decision, there should be an opportunity for input. The committee has drafted advice, which asks for the October 1 decision to be extended for two months. However, if this were done, then the testing phase would be cut short by two months, jeopardizing DOE's ability to meet the milestone. So, the advice also asks for Ecology and EPA to extend the milestone deadline by two months.

Committee Discussion

- Betty Tabutt noted that there seem to be many unknowns related to supplemental technologies and that it would be difficult to go to the public without more information. Doug responded that concrete information is needed to take back to the public. It is uncertain what DOE's fallback position is if none of the alternative technologies works out. Joy Turner, Ecology, stated that the fallback position is if any of the supplemental technologies fail then the waste must be treated using vitrification. Erik Olds, DOE-ORP, added that DOE-ORP must present a detailed report to Ecology on what the technologies demonstrated. The decision would be made in 2006 how to fold in any supplemental technology into the milestones. Betty stated that DOE must be more forthcoming as to what would be affected by these decisions.
- Amber asked how tank closure decisions can be made in the EIS when research has not been completed on the supplemental technologies. Erik responded that the EIS does not choose the technology, but enables further research to be done on the technologies.
- Joy noted that Suzanne Dahl, Ecology, has been a part of the supplemental technology discussions. Ecology is continuing to be involved in the process and Suzanne is ensuring the public's needs are considered during these discussions.
- Susan Leckband asked if one of the supplemental technologies is chosen and the material is stored on site, would the cumulative risks be addressed in the HSW-EIS? Erik stated it will be immobilized low-activity waste. Susan reiterated that her concern is the cumulative affect of whatever choice is made.
- Several committee members noted since any supplemental technology will treat at least 60% of the waste, it is actually alternate not supplemental technology.
- Betty commented the public involvement process is very important. It is imperative that there is a public process. Once the EIS has been released, it is too late. She noted the advice needs to convey this point.
- Max stated that the issue in the narrower world of the downselect is should there be a public process to talk about the downselect or are the principles from the tank waste task force sufficient to be used in the downselect process.

- Todd Martin clarified that the advice was trying to address the issue of DOE-ORP asking the committee to do work which does not fit the schedule provided to the Board. The agencies helped the Board to plan the coming year but did not take into account the Board's schedule. There is a timeline to make a decision and DOE does not want to stray from that.

Regulator Perspectives

- Joy commented that the downselect is occurring at an accelerated pace which Ecology agreed to. There have been several meetings in the process and the most recent one yielded cost performance data. There is quite a bit of additional data available to share. A primary technology will be chosen for a pilot test and performance evaluation. During that process, public input will be gathered and considered.

Public Involvement Dialogue

The committee reviewed the process for the Public Involvement Dialogue at the Board meeting. The goal is to address the frustrations resulting from the changing communication processes the last few years and to determine where the breakdowns in the lines of communication are.

Committee Discussion

- Jim Trombold and Todd Martin briefly outlined their presentations for the public involvement dialogue.
- Greg deBruler expressed concern over how to ensure the dialogue is meaningful. The new managers do not appear to understand the policies, which are in place and what the value of those are. Greg stated he would like to address the disconnects between the 1994 public involvement plan with the 2003 public involvement plan. He noted that the Board has continually requested that Ecology take over public involvement activities because DOE is not succeeding. The disconnects between the two versions of the plan need to be addressed with DOE in terms of how the Board can help with these.
- Several committee members stated this is a valuable piece of the discussion. They noted that Greg's passion for DOE non-compliance is evident and needs to be heard.
- Betty commented it is important to note there is no real public involvement unless information can be interpreted by an unbiased source.
- Gerry Pollet commented he never listens to the history of the Board without light bulbs going off in his head. The managers should be able to understand that they need an effective Board. Todd added that the managers need to understand that the public also gave up a great deal to be involved in this type of a process. Additionally, this was something that was agreed to in the TPA. It is not something headquarters may take away after it has been negotiated and signed.

- Todd commented the real difficulty is that all the relationships the Board has built are deteriorating. Now people on both sides are questioning the value of this process.
- Amber noted the goal of this presentation is to have the decision makers hear the history of the Board and to reflect on the related policy issues. The Board wants to hear a response regarding the deteriorating relationships and a discussion of where the disconnects are between the two versions of the public involvement plan. There needs to be an explanation of where the public involvement policies have shifted. This is only an opening dialogue that will hopefully open up further discussions.
- Gerry commented the overriding goal of this dialogue is to give perspective to the managers that they can take back to the rooms in which the decisions are made and to the people who are directing them. There is a lack of respect for regional public involvement. The current era is one of top down decisions, even those that involve the Board. It is important to say there is a fundamental conflict which will continue in top down decisions. This is the major source of the conflicts. If it is not transmitted that decisions need to be made differently, the conflict will grow.
- Several committee members noted the Board should ensure there is a serious commitment to quality dialogue in the future. The agencies must recognize that there are disconnects in the current timing of the public involvement process.
- Amber noted the Board must not only ask for the manager's perspective but also obtain tangible public involvement commitments from them.
- Susan noted that DOE can make decisions without public input. The Board needs to keep in mind why public involvement makes sense for DOE.

Federal Facilities Working Group

Amber introduced the members of the Federal Facilities Working Group. This group is involved with the National Environmental Justice Advisory Council. The purpose of the Federal Facilities Working Group is to give policy recommendations to the EPA on issues involving Department of Defense Base Realignments, and waste site cleanups. The group has chosen to look at five federal sites. The team will be touring these sites and will be meeting with a variety of stakeholders. The team will be at the Board meeting on Thursday and would like to speak with individuals about public participation at Hanford. These interviews will take about thirty minutes.

Handouts

- Public Involvement and Communication Committee meeting agenda, September 3, 2003.
- Public Involvement Dialogue Presentation Outline, Jim Trombold, September 3, 2003
- Public Involvement Dialogue Outline, Public Involvement and Communication Committee, September 3, 2003.
- Supplemental Technology Draft Advice, Tank Waste Committee, September 3, 2003
- Official Use Only Implementation, Rick Stutheit, DOE-RL, and Randy Small

Attendees

HAB Members and Alternates

Greg deBruler	Susan Leckband	Jim Trombold
Norma Jean Germond	Todd Martin	Amber Waldref
Doug Huston	Leon Swenson	
Bill Kinsella	Elizabeth Tabutt	

Others

Marla Marvin, DOE-RL	Max Power, Ecology	Nancy B. Myers, BHI
Yvonne Sherman, DOE-RL	Joy Turner, Ecology	Liana Herron, EnviroIssues
Erik Olds, DOE-ORP	MaryAnne Wuennecke, Ecology	Penny Mabie, EnviroIssues
	Dennis Faulk, EPA	Barb Wise, Fluor Hanford
		Sharon Braswell, Nuvotec